

Message Text

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FOR L/C AND EUR/EE

E.O. 11652: N/A
TAGS: CPRS, CPAS, BU
SUBJECT: PROPERTY CLAIM OF ILIA AND DOBRANKA KOLEV

REF: A) STATE 160204; B) SOFIA 1189; C) 75 STATE A-5499;
D) 75 STATE 174734; E) 75 SOFIA 1512; F) 74 SOFIA 922

1. EMBASSY REVIEW OF VOLUMINOUS KOLEV FILE INDICATES
REFS E AND F CONTINUE TO COMPRISE SUBSTANTIVE RESPONSE
OF EMBASSY AND DEPARTMENT TO REPEATED ENTREATIES BY KOLEVS
THAT EMBASSY ACTIVELY INTERVENE WITH GOB IN THEIR CASE.
EMBASSY NOTES DEPARTMENT COMMENT (REF D) CONCERNING ABSENCE
OF REALISTIC ACTIONS ON THE PART OF THE KOLEVS IN PURSUING
THEIR CASE IN BULGARIA AS WELL AS DEPARTMENT AGREEMENT
(REF C) THAT THE EMBASSY CANNOT ACT AS KOLEVS' ATTORNEY
IN THIS MATTER. WHILE THE KOLEVS MAY WISH TO CONTEND
EMBASSY STATEMENT THAT CONFISCATION OF THEIR PROPERTY WAS
CARRIED OUT IN A LEGAL MANNER UNDER BULGARIAN LAW, THE
FACT REMAINS THAT THE KOLEVS HAVE CHOSEN NOT TO PURSUE
THEIR CASE THROUGH THE APPEALS PROCESS PROVIDED FOR BY
BULGARIAN LAW. AS REF F POINTED OUT, A CASE COULD BE
MADE BY THE KOLEVS TO SET ASIDE THE 1968 AND 1970 DECREES
WHEREBY THE KOLEVS WERE DEPRIVED OF THEIR BULGARIAN CITI-
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ZENSHIP AND TWO APARTMENTS.

2. EMBASSY CONTINUES TO BELIEVE THAT THE KOLEV CLAIM
SHOULD BE PURSUED THROUGH THE BULGARIAN APPELLATE COURTS
WITH NO ACTIVE ROLE PLAYED BY THE EMBASSY. NONETHELESS,
WE RECOGNIZE THE IMPORT OF THE 1923 NATURALIZATION TREATY
FOR KOLEV CASE AS WELL AS FOR RELATED CONSULAR ISSUES

SUCH AS DIVIDED FAMILY CASES. THUS, WE PLAN TO DISCUSS THE TREATY INFORMALLY WITH MFA CONSULAR DEPARTMENT OFFICIAL IN CHARGE OF TREATIES AND OTHER LEGAL MATTERS WITH THE VIEW OF RESTATING US INTERPRETATION OF THE TREATY AND POINTING OUT THAT THE GOB HAS CHOSEN SELECTIVELY TO IGNORE TREATY PROVISIONS.

3. EMBASSY BELIEVES (REF B) THAT GOB CURRENT PRACTICE (RHETORIC ASIDE) OF TACITLY RECOGNIZING THE US CITIZENSHIP OF THOSE FORMER BULGARIAN CITIZENS WHO DEPARTED BULGARIA ILLEGALLY OR WHO FAILED TO RETURN FROM AN AUTHORIZED STAY ABROAD AND, THUS, ARE ABROAD ILLEGALLY REMAINS AN ACCEPTABLE GOB ATTITUDE TOWARD 1923 TREATY. WE WOULD POINT OUT THAT US CITIZENSHIP LAW WOULD NOT ALLOW US COMPLIANCE WITH 1923 TREATY IN ALL CONCEIVABLE CASES AND DOES NOT PROVIDE US WITH AN ALTOGETHER FIRM BASIS FOR AGGRESSIVELY CONTESTING GOB INTERPRETATION. EMBASSY REQUESTS DEPARTMENT REVIEW THIS ASPECT OF THE 1923 NATURALIZATION TREATY SO THAT WE MIGHT BE BETTER PREPARED TO COUNTER POSSIBLE GOB ARGUMENT THAT THE US ITSELF CANNOT ADHERE TO ALL PROVISIONS OF 1923 TREATY GIVEN ITS OWN CITIZENSHIP LAWS.
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